

ABSTRACTS

Heutige Problemen über die öffentlichen Sachen
— Hauptsächlich um die Eintragung
von öffentlichen Anlagen —
(Recent problems in the application of Japanese
property registration system to public facilities)

Shigeyuki SUTO

Japanese Civil Code Act 177 provides that acquisition of real property may not be asserted against third parties unless the same are registered pursuant to the applicable provision of the Real Property Regulation Act and other laws regarding registration. Of course this article applies to the acquisition of lands by state or local governments on which they plan to construct the public facilities(ex. road, park, government building etc.).

Thus, when the state or local governments fail to register their land rights and the third parties complete registrations of that land prior to them, it becomes difficult to construct or to use the public facilities on the land. However, there are exceptions where state or local authorities can assert their lands right even in case of the lack of own lands registrations, which are significantly important for this article theme.

This article therefore attempts to examine the various legal problems in the application of real property registration system to the construction of public facilities.

“Fair Value” of Share Option Rights in Convertible Bonds
— *Autobacksseven Case, Maruhachi Securities Case*
and MSCB-related Cases —

Hiroyuki WATANABE

Recently, the issue of “fair value of financial instruments” has been essential not only in dispute about financial instruments such as derivatives but also in many of the disputes on Companies Act and Financial Instruments Transaction Act.

However, the method of examining “fair value of financial instruments” on lawyer’s side in such disputes has been underdeveloped.

Under these circumstances, this article focuses on the issue of “fair value” of share option rights in convertible bonds, reviewing *Autobacksseven Case, Maruhachi Securities Case* and some MSCB (moving strike type convertible bond)-related cases which have been very controversial these days.

Der Wille des Besitzers für Vorliegen des Diebstahls
— unter Berücksichtigung der Lehre
vom bedingten Einverständnis —

Kazuki KIKUCHI

1. Einleitung
2. Die Lehre vom bedingten Einverständnis in Deutschland
3. Die Schutzbedürftigkeit vom Wille des Besitzers
4. Die unrechtmäßige Erlangung der Münzen
5. Schlussfolgerung